

Deliberative – Enforcement Confidential

REGION 6 EXECUTIVE SUMMARY

TOPIC: Exide Technologies, Frisco, TX

DATE: 5/30/13

CONTACT: Mark Potts, x-2723

PURPOSE/ACTION NEEDED: Compliance/Enforcement summary at Exide, Frisco, Tx

DEADLINE DATE: N/A

BACKGROUND:

- Enforcement
 - EPA RCRA corrective action order issued Aug 2011 requires investigation of contamination for certain portions of the operating plant or “bow tie” - N. disposal area, slag landfill, raw materials storage area, bone yard, bail stabilization area, crystallization unit frac tank, Stewart Creek flood wall (creek side), sediment along Stewart creek, surface water in Stewart Creek, ground water from existing wells.
 - EPA RCRA enforcement order issued Dec 2012 addresses waste management violations identified in process areas during an EPA 2011 inspection.
 - Above EPA orders dovetail with TCEQ Jan 2013 enforcement order citing violations different from EPA and requiring Exide to implement the (TCEQ approved) Response Action Work Plan for the active landfill (remove and retreat waste not meeting LDR standards) and stop placing waste not meeting LDR in the landfill. The order also requires an Affected Property Assessment Report (site-wide investigation) and remediation plans.
 - Feb 2013 joint EPA/TCEQ inspection – additional areas of concern identified, data provided by Exide confirms hazardous waste disposal in the non-hazardous waste landfill including closed portions.

CURRENT STATUS:

- 5/21/13 call with TCEQ Office of Compliance - TCEQ plans to issue another enforcement order to address the areas of concern from the Feb 2013 inspection including data showing hazardous waste disposal in the landfill. TCEQ did not have a schedule for issuing an enforcement action. Their process takes about 6 months.
- 5/21/13 TCEQ met with Exide – discussed areas of concern from Feb 2013 inspection including data showing hazardous waste disposal in landfill. Discussed enforcement. Also discussed options for the landfill including LDR variance.

CONCERNS:

- Need to address closed portion of the landfill.
- Need viable options for site cleanup and landfill closure.
- Need financial assurance for cleanup/closure (\$45 million in escrow weigh in?)
- Exide bankruptcy

NEXT STEPS:

- 6/28/13 – EPA and TCEQ meet with City, follow up items from 5/23/13 meeting; City's master plan for the site.
- June-July/13 - EPA and TCEQ identify viable options for cleanup/closure of the site.
- July-Aug/13 – TCEQ and EPA inform Exide then the City on viable options.